



JPW

Docket No.: 066396-0049

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Dennis G. THIBEDEAU, et al.	:	Confirmation Number: 4957
	:	
Application No.: 10/619,187	:	Group Art Unit: 2854
	:	
Filed: July 15, 2003	:	Examiner: C. Nolan Jr.
	:	
For: TESTING AND DISPLAY OF ELECTRICAL SYSTEM IMPEDANCE	:	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Noting the Office Action of March 10, 2005 wherein restriction has been required, Applicant hereby elects Group 1 (claims 1-7 and 29) for prosecution in the above-identified application with traverse. A preliminary amendment is submitted concurrently herewith.

By this Response, claims 1-29 are pending. The Examiner has applied a two-way restriction, of which Group I (claims 1-7 and 29) pertains to a testing device for a battery and vehicle system circuit (according to the Examiner), and Group II (claims 8-28) is drawn to a method for testing a vehicle system circuit (Examiner's characterization). The Office Action asserted that the restriction is required because the testing device described in Group I and the method described in Group II are distinct. Specifically, the Examiner contended that the testing device describe Group I "may be used to measure the system impedance of a HVAC system distinctly different from a vehicle system."

Applicants traverse the restriction requirement on the ground that the claims in Group I and Group II are not directed to distinct inventions.

Apparatus claims 1-7 and 29 recite measuring characteristics related to a vehicle system circuit. In supporting the restriction requirement, the Examiner asserted that the **claimed apparatus** described in claims 1-7 and 29 not only can be used to measure impedance of a vehicle circuit system, but also can be used to measure the system impedance of a HVAC system.

However, **similar** to the language of **apparatus claims 1-7 and 29**, method claims 8-28 ALL recite measuring characteristics related to a vehicle system circuit. For instance, method claim 8 recites “A method for testing a vehicle system circuit comprising the steps of: taking a first measurement of the value of impedance between two separated points of the vehicle system circuit;... taking a second measurement of the value of impedance in the vehicle system circuit;” claim 12 recites “A method for testing a vehicle system circuit comprising the steps of:...measuring the value of impedance between two separated points of the vehicle system circuit; ..;” and claim 18 recites “An automated method for testing an electrical circuit of a vehicle, the method comprising the steps of: a) verifying that good lead connections have been made at two separated points of the electrical circuit; b) calculating impedance between the circuit points.” Therefore, similar to apparatus claims 1-7 and 29, method claims 8, 12 and 18 and their respective dependent claims **also** can be used to measure the system impedance of a HVAC system **for the same reasons as asserted by the Examiner**. Since the apparatus claims of Group I can be used to perform the process as described in claim Group II, the claimed inventions in Groups I and II are not distinct. Accordingly, the subject matter of Groups I and II

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should be examined in the same application. Withdrawal of the Restriction Requirement is respectfully requested.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink that reads "Wei-Chen Chen". The signature is written in a cursive, flowing style.

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